

REMARKS/ARGUMENTS:

The Office Action dated November 6, 2006 made the following rejections:

- Claim 19 is rejected under 35 USC 101 as failing to recite a tangible result;
- Claims 47, 49, and 51 are rejected under 35 USC 101 as directed to non-statutory subject matter (record-carrier);
- Claims 19, 20, 23-24 and 50 are rejected under 35 USC 102(e) as anticipated by Muratov (US Pat. Publ. 2003/0097596);
- Claims 25, 27, 33, 35 and 41 are rejected under 35 USC 102(e) as anticipated by Kobayashi (US 6,275,825);
- Claims 1, 3-4, 9, 10, 12-13, 18, 46 and 48 are rejected under 35 USC 103(a) as obvious over Cragun (US 6,785,680) in view of Kobayashi;
- Claims 2, 5-7, and 36-38 are rejected under 35 USC 103(a) as obvious over Cragun and Kobayashi in view and Muratov;
- Claims 8 and 17 are rejected under 35 USC 103(a) as obvious over Cragun and Kobayashi in view of Hurst (US Pat. Publ. 2003/0224823);
- Claims 21-22 and 42-43 are rejected under 35 USC 103(a) as obvious over Muratov in view of Constant (US Pat. Publ. 2003/0154446);
- Claims 26, 32, 34 and 40 are rejected under 35 USC 103(a) as obvious over Kobayashi in view of Cragun;
- Claims 28-30 and 44-45 are rejected under 35 USC 103(a) as obvious over Kobayashi in view of Muratov; and
- Claims 31 and 39 are rejected under 35 USC 103(a) as obvious over Kobayashi in view and Hurst.

Interview Summary:

A telephonic interview was held on March 2, 2007, between Examiner Vautrot and the undersigned representative. It was agreed that the Applicant would cancel claims 19, 47, 49 and 51. References Muratov and Kobayashi were discussed in view of independent claims 1, 10, 20, 25, 33 and 41. Prior to the interview, the Applicant's representative submitted proposed amendments to claims 19 and 25. A distinction was asserted over the references in that the invention causes access to or display of a data file (variously termed in the claims) to be restricted based upon either of a) first display of the data file, or b)

receipt of the data file and failure to display it upon receipt (reference was had to the application at page 5, lines 1-25 for these two embodiments). It was asserted that the references did not teach or suggest such causation between access or display of data and password protection for further access/display of that same data. It was agreed that proposed claim 25 as submitted prior to the interview recited this causation with sufficient specificity and distinguished over the art. Amendments to independent claims 1, 10, 20, 33 and 41 as presented herein were verbally agreed in that interview to also recite that causation link between access/display and data security mechanism, and the Examiner indicated that it appeared those amended claims would be allowable over the cited art.

Rejections under 35 USC 101:

Claims 19, 47, 49 and 51 are canceled. The term “record carrier” in claims 47, 49 and 51 was interpreted as a carrier wave transmission medium. That term was intended to recite a carrier such as a memory on which the computer program was embodied. Claims 46, 48 and 50, from which claims 47, 49 and 51 respectively depended, are amended to recite that the claimed computer program is embodied on a memory, support for which is at page 4 lines 6-11 of the written description.

Other Claim Amendments:

Support for the amendments to the independent claims may be found at least at page 1 lines 23-37 and page 5 lines 1-25. Claim amendments are summarized as follows:

- Independent claim 1 is amended per the interview summarized above to change ‘accessing’ to ‘displaying’ and to recite that the ‘displaying’ is in the hand portable device. Dependent claims 2 and 4-6 are amended to comport with the changes to claim 1.
- Independent claim 10 is amended per the interview to add the preliminary element of ‘wirelessly receiving data’, and further changes ‘accessing’ to ‘displaying...upon receipt’. Dependent claims 12 and 18 are canceled, and dependent claims 11 and 13-16 are amended to comport with the changes to claim 10.
- Independent claim 20 is amended per the interview to recite that the data attribute is ‘indicative of first display of the data assemblage in the device’. Dependent claims 22 and 24 are canceled, and dependent claims 21 and 23 are amended to comport with the changes to claim 20.

- Independent claim 25 is amended as in the proposal submitted prior to the interview and agreed therein. Dependent claim 27 is amended to comport with the changes to claim 25.
- Independent claim 33 is amended per the interview to change ‘access’ to ‘display’, and to add a ‘responsive to’ clause. Dependent claim 35 is canceled, and dependent claim 36 is amended to comport with the changes to claim 33.
- Independent claim 41 is amended per the interview to change ‘access’ to ‘display’ and to recite that the ‘data attribute is indicative of first display’. Dependent claims 42-43 are canceled, and dependent claim 44 is amended to recite proper antecedent basis.

The prior art is summarized in detail below.

Muratov discloses a multi-tiered security system including data encryption, data erasing, and disabling data transfer mechanisms [0006]. Respecting data encryption, a password may be required to access data within the portable device [0008] which locks after a predetermined period of non-use [0011] or upon any powering-on of the device [0014]. An encryption key generates upon entry of a password [0033]. Apart from that system lockout function [0036], Muratov also discloses that a user can encrypt none, some, or all of the device databases by selecting a checkbox to identify a particular application and the associated data that is to be protected [0039]. An encryption setup screen 36 is shown in Muratov as allowing for selection of databases to include/exclude for encryption protection [0040 and Figs. 2-8]. Muratov conditions encryption of a database on the specific selection of that database by a user, which by example that selection is made at a checkbox of the setup screen. There is no causation seen in Muratov between access or display of data and its subsequent encryption.

Kobayashi is directed to a data access control apparatus such as may be used to enable/disable access of data to a person logged in with a login ID [abstract]. Kobayashi discloses several databases, including DB which are the employee information files (col. 4, lines 11-15); a FFM table which shows access rights to the DB by different user groups (col. 4, lines 26-30); FFM files which group users by their post (e.g., dept. manager, section manager, regular employee; col. 4, lines 42-45 and Figure 3A2); RGF files which group users by their department (e.g., personnel, sales, general affairs; col. 4, lines 54-61

and Figure 3B2); LMF which is a retrieval key showing each user's login data (col. 5, lines 12-17 and Figure 4); and LLF which links the employee file in DB with the key in LMF (col. 5, lines 1-6 and Figure 3C2). The user access rights management file UMF is automatically generated to grant or deny access on the basis of DB, FGF, RGF, LMF and LLF (col. 5 lines 27-33, cited by the Office Action). Kobayashi is seen to allow or deny access due to the automatically generated UMF, but in no instance is it seen where the UMF, or any other Kobayashi database, depends from either previous access or previous display that may have been detected.

The Office Action admits at page 11 that Cragun fails to teach steps c) through e) of claim 1. Given the above summary of Muratov and Kobayashi, the addition of Cragun is not seen to render unpatentable any of the amended claims.

Hurst is cited only for its teachings at para [0057] as to an SMS, MMS, IM history, picture file, audio file, video file, and collection of bookmarks; and for its teachings at para. [0057] concerning messaging services/wireless protocols WAP, SMS, EMS, MMS, GPRS, etc. The addition of Hurst is not seen to render unpatentable any of the claims presented herein.

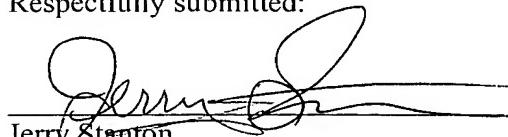
Constant is cited only for its teachings at paras [0031] and [0049] that a field flag indicates whether a message has been viewed. The Office Action cites to this at page 25 as making it obvious to one of ordinary skill to use such a flag/attribute indicator to alert a user that new data exists that the user may not be aware of. True or not, this is irrelevant to using such a flag as an indicator whether or not to restrict access to the new data to which such a flag is associated. No reference, alone or in combination, is seen to make such a connection between that flag and data protection, and so the addition of Constant is not seen to render unpatentable any of the claims presented herein.

The Applicants thank the Examiner for the thorough and detailed Office Action, and for the opportunity to resolve via teleconference how best to clarify a distinction over the cited references. The Applicants hereby respectfully request that the Examiner withdraw the rejections and pass claims 1-11, 13-17, 20-21, 23, 25-34, 36-41, 44-46, 48 and 50 to

Appl. No. 10/627,117
Amdt. Dated March 6, 2007
Reply to Office Action of November 6, 2006

issue. The undersigned representative welcomes the opportunity to resolve any matters that may remain, formal or otherwise, via teleconference at the Examiner's discretion.

Respectfully submitted:



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Date

3/6/2007

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3/6/2007
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